APPENDIX NO. 1

TITLE 11 (BANKRUPTCY)

U. S. C. A., Section 52-b (1) and (2):

"A person shall be punished by imprisonment for a period of not to exceed five years or by a fine of not more than $5,000, or both, upon conviction of the offense of having knowingly and fraudulently (1) concealed from the receiver, custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or from creditors in any proceeding under this title, any property belonging to the estate of a bankrupt; or (2) made a false oath or account in or in relation to any proceeding under this title," etc.

TITLE 26 U. S. C. A., Section 145 (a):

"Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000.00, or imprisoned for not more than one year, or both, together with the costs of prosecution."

TITLE 22 U. S. C. A. Section 220:

"Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to

such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years or both. (June 15, 1917, c. 30, Title IX, § 2, 40 Stat. 227)."

APPENDIX NO. 2

WIGMORE on EVIDENCE, volume 3 (Third Edition)

Section 983.

"(3) The third type of rule *prohibits entirely* such a cross-examination. If the discretion allowed by the preceding rule were properly exercised; if there existed at the Bar of the United States in general that skill and professional self-restraint in cross-examination which is traditional at the English Bar; if there existed among the Judiciary the desire and the courage to check excesses of cross-examination and to err if at all on the side of repression; and if the Judiciary were accustomed to exercise their powers fully and freely, there could be no better solution than to vest the control in that discretion. But the Judiciary to-day are not always inclined to show to the abuses of cross-examination the disfavor which those abuses deserve. The typical tendency of our modern Judiciary is to abdicate that power of control over the trial which tradition and the due course of Justice demand that they shall have, and to become mere umpires, who rule upon errors and make no attempt otherwise to check the misconduct of counsel (*ante*, sec. 21). For this reason, as well as because of the usual unprofitableness of cross-examination to Character, there is something to be said in favor of the rule that now obtains in several jurisdictions, by which such misconduct is forbidden to be inquired into at all.

In some of these jurisdictions, to be sure, this rule has come about by a statutory enactment forbidding the proof into "particular acts"; the statute being probably framed on a misunderstanding of the rule against extrinsic testimony (*ante*, sec. 979) without perceiving that only extrinsic testimony was by that rule at common law intended to be excluded. But, whatever the accident of origin of those laws, the rule of total prohibition of cross-examination, as well as of extrinsic testimony, on these matters, has thus received sanction, and is perhaps the one most consonant with the needs of the time."

APPENDIX NO. 3

STEPHEN'S Digest of the Law of EVIDENCE (W. Va. Edition 1907)

Article 56.

Evidence of Character in Criminal Cases.

In criminal proceedings, the fact that the person accused has a good character, is deemed to be relevant; but the fact that he has a bad character is deemed to be irrelevant, unless it is itself a fact in issue, or unless evidence has been given that he has a good character, in which case evidence that he has a bad character is admissible.

A person charged with an offense and called as a witness in pursuance of the Criminal Evidence Act, 1898, may not be asked, and if asked may not be required to answer, any question tending to show that he has committed, or been convicted of, or been charged with any offence other than that whereof he is then charged,

or is of bad character,

unless

(i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or

(ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character,

or has given evidence of his own good character;

or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor, or the witnesses for the prosecution; or

(iii) he has given evidence against any other person charged with the same offence.

When any person gives evidence of his good character other than his own sworn testimony, who —

Being on his trial for any felony not punishable with death, has been previously convicted of felony;

Or, who being upon his trial for any offence punishable under the Larceny Act, 1861, has been previously convicted of any felony, misdemeanor, or offence punishable upon summary conviction:

Or who, being upon his trial for any offence against the Coinage Offences Act, 1861, or any former Act relating to the coin, has been previously convicted of any offence against any such Act.

The prosecutor may, in answer to such evidence of good character, give evidence of any such previous conviction before the jury return their verdict for the offence for which the offender is being tried.

In this article the word "character" means reputation as distinguished from disposition, and, except as previously mentioned in this article, evidence may be given only of general reputation and not of particular acts by which reputation or disposition is shown.